

Tenure: 15

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Officer History

Officer Name: Figueiredo, Andre

Tax ID: 936595

Sex: M

Shield: 2938

Race: White

Rank: DT3

Command: 331

DOB: [REDACTED]

Appt Date: 01/10/2005

Age: [REDACTED]

Tenure: 15

CCRB #	Report Date	Incident Date	Allegation	Disposition	NYPD Disposition	NYPD Penalty	Command
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			[REDACTED]
201506616	08/10/2015	08/08/2015	[REDACTED]	[REDACTED]			101
	08/10/2015	08/08/2015	Abuse - Search (of person)	Unsubstantiated			101
	08/10/2015	08/08/2015	Abuse - Stop	Unsubstantiated			101
	08/10/2015	08/08/2015	[REDACTED]	[REDACTED]			101
Total Charges = 31				Total Cases = 11			

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Eric Black	Team: Team # 3	CCRB Case #: 200803055	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thu, 01/10/2008 4:55 PM	Location of Incident: in front of [REDACTED] Hassock Street	Precinct: 101	S.O.L. Expires: 07/10/2009		
Date/Time CV Reported Tue, 01/15/2008 4:06 PM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Tue, 01/15/2008 4:06 PM		

Complainant/Victim	Type	Home Address
1. [REDACTED]	Comp/Victim	[REDACTED]

Witness(es)	Home Address
1. [REDACTED]	[REDACTED]
2. [REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Andre Figueiredo	18440	936595	101 PCT
2. POM [REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. LT [REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Officer(s)	Allegation	Investigator Recommendation
A . POM Andre Figueiredo	Abuse of Authority: PO Andre Figueiredo threatened [REDACTED] with the use of force.	A . Substantiated
B . POM Andre Figueiredo	Force: PO Andre Figueiredo struck [REDACTED] with a vehicle.	B . Unsubstantiated
C . POM Andre Figueiredo	Discourtesy: PO Andre Figueiredo spoke obscenely to [REDACTED]	C . Unsubstantiated
D . [REDACTED]	Force: PO Andre Figueiredo used physical force against [REDACTED]	D . Exonerated
E . POM [REDACTED]	Force: PO [REDACTED] struck [REDACTED] against a door.	E . Unsubstantiated

Synopsis

██████████ filed a complaint by phone with the Civilian Complaint Review Board (CCRB) on December 14, 2007 regarding an incident that occurred that day. Mr. ██████████ appeared at the CCRB on January 15, 2008 to provide a statement in regards to that complaint, at which time Mr. ██████████ filed a second complaint regarding an unrelated incident that occurred on January 10, 2008. The two complaints were investigated separately. The complaint that Mr. ██████████ filed on December 14, 2007 was investigated under CCRB case 200718001. The following complaint is in regards to the complaint that was filed in-person on January 15, 2008.

On January 10, 2008 at approximately 4:55 PM, Mr. ██████████ was walking on a walking path in the court yard of ██████████ Hassock Street, a New York City Housing Authority Complex, in Queens. A marked patrol car, driven by PO Andre Figueiredo, turned off of the road and drove behind Mr. ██████████ on the walking path. PO Figueiredo revved the engine of the police vehicle, as Mr. ██████████ was in the path of the vehicle, and then slammed on the brakes of the vehicle (Allegation A). PO Figueiredo allegedly struck Mr. ██████████ with the police vehicle (Allegation B). PO Figueiredo then got out of the vehicle and allegedly told Mr. ██████████ “Move the fuck out of the way. You are acting like you don’t fucking see me” (Allegation C). Mr. ██████████ was standing in front of the police vehicle holding a lit cigar. PO Figueiredo slapped the cigar out of Mr. ██████████ hand (Allegation D). PO Figueiredo then placed Mr. ██████████ under arrest, with the assistance of PO ██████████ ██████████ for disorderly conduct. Mr. ██████████ was taken to the 101st Precinct stationhouse and PO ██████████ allegedly slammed Mr. ██████████ against the door of the cell room (Allegation E).

The investigation determined that PO Figueiredo revved the engine of the police vehicle, causing the vehicle to move forward, as Mr. ██████████ was in the path of the vehicle. PO Figueiredo’s actions were unnecessary, reckless, and were intended only to intimidate Mr. ██████████. Therefore, it is recommended that Allegation A be **substantiated**. The investigation was not able to determine if PO Figueiredo struck Mr. ██████████ with the police vehicle, or if Mr. ██████████ purposefully slammed his hands onto the hood of the patrol car. As a result, it is recommended that Allegation B be **unsubstantiated**. The investigation was not able to determine if PO Figueiredo spoke discourteously toward Mr. ██████████. As a result, it is recommended that Allegation C be **unsubstantiated**. The investigation determined that PO Figueiredo’s action of slapping the cigar from Mr. ██████████ hand was justified, so it is recommended that Allegation D be **exonerated**. There is no evidence or witness testimony to support Mr. ██████████ allegation that PO ██████████ pushed him against the cell room door, so it is therefore recommended that Allegation E be **unsubstantiated**.

Summary of Complaint

██████████ ██████████

██████████ ██████████ a ██████████ ██████████ male with ██████████ hair and ██████████ eyes filed a complaint in-person at the CCRB regarding an incident that occurred on January 10, 2008 (encl. C 1-2) Mr. ██████████ appeared at the CCRB on January 15, 2008 to file this complaint, at which time he provided the following statement (encl. C 3-8).

On January 10, 2008 at approximately 4:55 PM, Mr. ██████████ and his mother, ██████████ ██████████ exited a subway station, entered their vehicle and drove to ██████████ Hassock Street. Mr. ██████████ parked the car on the street and Ms. ██████████ entered a nearby store. Mr. ██████████ met a friend, who he could only identify as ██████████ on the sidewalk in front of ██████████ Hassock Street.

Mr. ██████████ and ██████████ turned off of the sidewalk and were walking on a pedestrian walking path through the housing project where he lived. Mr. ██████████ then heard a car engine from behind him. A marked police vehicle turned off of the street and drove onto the pedestrian walking path. The driver of the police vehicle revved the car engine and quickly slammed on the breaks to startle Mr. ██████████ out of the way; however, the

vehicle struck Mr. [REDACTED] in the left knee with the driver side front bumper of the patrol car. Mr. [REDACTED] was not injured nor did he fall. The driver, who was identified by the investigation as PO Andre Figueiredo, exited the patrol car and stated, "Move the fuck out of the way. Do you see me? You are acting like you didn't fucking see me. Move the fuck out of the way." PO Figueiredo was described as a [REDACTED] male with [REDACTED] hair.

Mr. [REDACTED] was angry so he told PO Figueiredo, "What the fuck do you mean 'Get the fuck out of your way?' You just hit me with your car." The passenger of the patrol car, who was identified by the investigation as PO [REDACTED] [REDACTED] exited the vehicle and approached Mr. [REDACTED]. PO [REDACTED] was described as a [REDACTED] male with [REDACTED]. PO [REDACTED] instructed Mr. [REDACTED] to place his hands behind his back. Mr. [REDACTED] was smoking a cigar so one of the officers slapped the cigar from his hand, put him against the patrol car, and then placed him in handcuffs. [Mr. [REDACTED] was uncertain which police officer slapped the cigar from his hand, but the investigation determined that it was PO Figueiredo.] Mr. [REDACTED] asked the police officers, "What are you arresting me for?" and told the officers that his step-father was a detective.

Ms. [REDACTED] then exited the nearby store and ran toward the police officers screaming, "Hold on! What are you arresting my son for?" Ms. [REDACTED] then showed the police officers Mr. [REDACTED] step-father's badge. Ms. [REDACTED] then physically attempted to prevent PO Figueiredo and PO [REDACTED] from placing Mr. [REDACTED] in the patrol car by pushing and scratching the police officers. Mr. [REDACTED] did notice one of the police officers received a scratch on his neck. PO Figueiredo and PO [REDACTED] were pushing Ms. [REDACTED] back using two hands as they placed Mr. [REDACTED] in the patrol car. Mr. [REDACTED] stated that an observer was also trying to hold Ms. [REDACTED] back from the police officers. Mr. [REDACTED] admitted that his mother was "hysterical and over dramatic" because she saw him in handcuffs and she could have been arrested for assaulting the police officers.

Mr. [REDACTED] stated that a group of approximately twenty-five people gathered at the scene. About two people were holding his mother back and several people were yelling at the police officers. Mr. [REDACTED] was not sure if traffic was disrupted as a result of the crowd. [REDACTED] stood nearby during the incident but did not get involved. [REDACTED] left the location when Mr. [REDACTED] was placed in the patrol car.

Mr. [REDACTED] was taken to the 101st Precinct stationhouse and was searched by PO Figueiredo and PO [REDACTED]. Mr. [REDACTED] told a lieutenant, who was identified by the investigation as Lt. [REDACTED] [REDACTED] that he did not know why he was arrested and that his father was a police officer. The lieutenant told him, "Don't worry about it, just chill and be quiet." Mr. [REDACTED] then began to yell very loudly in the stationhouse that he was hit by a police car and kidnapped by the police officers. Lt. [REDACTED] instructed PO [REDACTED] to take Mr. [REDACTED] to another room.

PO [REDACTED] guided Mr. [REDACTED] to a cell room by walking behind him. PO [REDACTED] then pushed Mr. [REDACTED] against the cell room door, causing his chest to hit the door and subsequently open it. Lt. [REDACTED] then came into the room and told Mr. [REDACTED] to calm down and explain what happened. Mr. [REDACTED] explained that the police officers purposefully revved the engine of the patrol car, attempting to get him to jump out of the way of the patrol car, and then struck him with the vehicle. Mr. [REDACTED] asked, "What if there was ice or something and they could not stop the car fast enough and I ended up under the car?"

Mr. [REDACTED] asked Lt. [REDACTED] why he was brought to the stationhouse and Lt. [REDACTED] told him the reason was because he was screaming and cursing in the street. Mr. [REDACTED] responded by stating, "What do you expect me to do? Give him a hug after he just hit me with a car?" Mr. [REDACTED] stated that he should have kept more composure, but the officers acted very unsafe and ignorant. Mr. [REDACTED] was issued a disorderly conduct summons and released.

Results of Investigation

Field Work

On March 18, 2008, field work was conducted in the vicinity of March 18, 2008. Photographs labeled A, B, and C were taken which show the walking path in which Mr. [REDACTED] was walking (encl. B 1-3). Ms. [REDACTED] provided a statement regarding the incident. Mr. [REDACTED] and Ms. [REDACTED] were asked which individuals in the housing complex witnessed the incident, specifically where [REDACTED] could be located and they stated that people did not want to get involved because "this is the hood." Without a more complete name for [REDACTED] or assistance from Mr. [REDACTED] or Ms. [REDACTED] to identify him, the investigation has not been able to obtain a statement from him.

Witness Statement

[REDACTED] [REDACTED]

[REDACTED] [REDACTED] a [REDACTED], [REDACTED] female with [REDACTED] hair and [REDACTED] eyes was interviewed in front of [REDACTED] Hassock Street in Queens on March 17, 2008 (encl. C 7-9).

On January 10, 2008 at approximately 4:55 PM, Ms. [REDACTED] walked out of Friendly Market, which is located across the street from [REDACTED] Hassock Street in Queens, and observed Mr. [REDACTED] in handcuffs directly in front of a marked patrol car which was located approximately ten feet off of the street on a walking path of a New York City Housing Authority complex.

Ms. [REDACTED] ran across the street yelling "I am his mother" Ms. [REDACTED] approached the police officers as they were attempting to place Mr. [REDACTED] into the patrol car. The operator of the patrol car, who was identified by the investigation as PO Figueiredo, positioned himself in between Ms. [REDACTED] and Mr. [REDACTED] as the passenger of the patrol car, who was identified by the investigation as PO [REDACTED] placed Mr. [REDACTED] into the patrol car. PO Figueiredo put his arms in front of his body and used his body to hold Ms. [REDACTED] back. Ms. [REDACTED] admitted that she may have swung at PO Figueiredo.

Ms. [REDACTED] was very upset, yelling "What are you taking him for?" She stated that the officers were ignoring her yelling as PO [REDACTED] was attempting to get Mr. [REDACTED] into the patrol car. Ms. [REDACTED] explained that Mr. [REDACTED] behind and legs were inside of the patrol car and PO [REDACTED] was grabbing and shoving Mr. [REDACTED] on his head and neck to push him into the vehicle. Ms. [REDACTED] did not observe Mr. [REDACTED] resisting the efforts of the police officers. An unidentified civilian on the scene was telling Mr. [REDACTED] to "stay quiet" and "just relax and go to the precinct." A semi-crowd formed of four or more people; however, they were not yelling or violent towards the police officers. Ms. [REDACTED] did not witness any police officer use any expletives toward Mr. [REDACTED] Mr. [REDACTED] was already in handcuffs when she exited the store.

Identification of Officers Interviewed

Mr. [REDACTED] was issued a disorderly conduct summons by PO Figueiredo. As a result, PO Figueiredo was interviewed. When PO Figueiredo was interviewed he stated that he was working with PO [REDACTED] As a result, PO [REDACTED] was interviewed. The 101st Precinct Tour 3 Roll Call indicates that Lt. [REDACTED] was assigned as the desk officer during tour 3. As a result, Lt. [REDACTED] was interviewed.

Officer Statements

PO Andre Figueiredo

PO Andre Figueiredo, a [REDACTED], white male with [REDACTED] hair and [REDACTED] eyes was interviewed at the CCRB on April 8, 2008 (encl. D 3-6).

On January 10, 2008, PO Figueiredo worked from 3:00 PM until 11:35 PM. PO Figueiredo was assigned to Satellite Conditions, which is a conditions unit that patrols housing projects for quality of life issues. PO Figueiredo was in uniform and was working with PO [REDACTED] PO Figueiredo was the driver of marked police vehicle 9245. PO Figueiredo's memobook states that at 4:50 PM, one [REDACTED] male, [REDACTED] [REDACTED] was stopped at [REDACTED] Hassock Street. At 5:05 PM, PO Figueiredo arrived at the 101st Precinct stationhouse and released with a disorderly conduct summons (encl. D 1-2).

On January 10, 2008 at approximately 4:50 PM, PO Figueiredo was driving on Hassock Street near a group of housing projects in Queens. Two males crossed Hassock Street in front of the vehicle that PO Figueiredo was driving. One of the males walked right in front of the police vehicle, forcing PO Figueiredo to stop his vehicle. PO Figueiredo waved the two males on and then the two males continued to walk toward the housing projects. PO Figueiredo turned his vehicle onto a path in the housing projects and the two males that had crossed the street in front of the police vehicle were also walking on the path. The two males looked back and saw the police so one of them moved off to the side to let the police officers pass, but the other male, identified by the investigation as Mr. [REDACTED] refused to move from the path to let the police officers pass. Mr. [REDACTED] looked back and looked directly at PO Figueiredo approximately three times and continued to walk directly in the center of the path.

PO Figueiredo was driving about five or ten feet behind Mr. [REDACTED] PO Figueiredo revved the engine of the police vehicle and moved the car forward about one foot so Mr. [REDACTED] could hear the engine, "Like, you know? We are trying to get through would you mind moving over?" Mr. [REDACTED] then jumped back as if he almost got hit by the car and began to yell, "Who the fuck are you? Who do you think you are? You trying to fucking hit me?" PO Figueiredo put the police vehicle in park and he and his partner exited the vehicle.

PO Figueiredo asked Mr. [REDACTED] from approximately five to ten feet away if he had a problem. PO Figueiredo stated, "Didn't you see me trying to get through? Why don't you move out of the way?" PO Figueiredo did not recall cursing or specifically stating, "Move the fuck out of the way. You are acting like you didn't fucking see me. Move the fuck out of the way."

Mr. [REDACTED] was stating, "Who the fuck are you? You think you can do whatever the fuck you want? You're trying to fucking hit me." PO Figueiredo told Mr. [REDACTED] that he was not trying to hit him. Mr. [REDACTED] then walked towards PO Figueiredo and stated, "I'll fuck you up." Mr. [REDACTED] was holding a cigar in his hand. Mr. [REDACTED] was getting close to PO Figueiredo and was acting irate so, for his safety, he told him to several times to put the cigar down, but Mr. [REDACTED] refused stating, "I will fuck you up. Take that shield off. You are nothing without that shield."

PO [REDACTED] began to walk from the passenger side of the vehicle, around the front, and came behind Mr. [REDACTED] PO Figueiredo then, for his own safety, went to grab the cigar out of Mr. [REDACTED] hand. PO Figueiredo could not remember specifically how he attempted to grab the cigar from Mr. [REDACTED] hand, but he did state that he was able to get the cigar to fall to the ground. PO Figueiredo stated that he could have tried to slap at Mr. [REDACTED] to get the cigar out of his hand, but he did not recall exactly how it happened. Mr. [REDACTED] became more irate and began to flail his arms. PO [REDACTED] grabbed Mr. [REDACTED] from behind and put him face first over the hood of the police vehicle. PO Figueiredo and PO [REDACTED] then placed Mr. [REDACTED] under arrest for disorderly conduct. PO Figueiredo could not remember who placed Mr. [REDACTED] in handcuffs.

PO Figueiredo and PO [REDACTED] were holding Mr. [REDACTED] by holding his arms on each side and were trying to place him in the rear driver side door off the police vehicle. Mr. [REDACTED] mother, identified by the investigation as Ms. [REDACTED] came running from behind the police vehicle yelling, "That's my son." Ms. [REDACTED] pushed a wallet into PO Figueiredo's face and told him that Mr. [REDACTED] father was a detective. PO Figueiredo told Ms. [REDACTED] "That's fine. You can come and talk to us at the precinct." Ms. [REDACTED] was trying to stop the police officers from placing Mr. [REDACTED] into the police vehicle and was stating, "You're not

taking him.” PO Figueiredo pushed Ms. [REDACTED] back by taking his hands and putting them on Ms. [REDACTED] arms, moving her backward, and stating, “You have to get out of the way.” Both PO Figueiredo and PO [REDACTED] placed Mr. [REDACTED] into the police vehicle. PO Figueiredo did not have to use force to place Mr. [REDACTED] into the police vehicle. By the time Mr. [REDACTED] got near the rear of the police vehicle, he had begun to calm down, so the officers sat him in the police vehicle. PO Figueiredo stated that he did not remember if Mr. [REDACTED] was pushed into the police vehicle. He denied that he pushed Mr. [REDACTED] head as he was placed into the police vehicle, but stated that he did not remember if his partner did.

A crowd then began to form around the police vehicle. PO Figueiredo could not remember how many people were arriving, but confirmed that it was more than five or ten people. PO Figueiredo was not paying attention to what the crowd was saying, but they were yelling and cursing. The crowd was able to get within approximately ten feet of the police officers. The crowd was not interfering with the arrest, but Ms. [REDACTED] was. The officers put Mr. [REDACTED] into the police vehicle and left the scene.

PO Figueiredo and PO [REDACTED] took Mr. [REDACTED] to the 101st Precinct stationhouse and lodged him. PO Figueiredo could not remember what Mr. [REDACTED] said to the desk officer, who was identified by PO Figueiredo as Lt. [REDACTED] but he stated that Lt. [REDACTED] was trying to calm Mr. [REDACTED] down. Mr. [REDACTED] was then taken to a cell room. PO Figueiredo did not remember who took Mr. [REDACTED] to the cell room. PO Figueiredo stated that it could have been him, PO [REDACTED] or both of them. PO Figueiredo denied witnessing PO [REDACTED] push Mr. [REDACTED] against the cell room door to open it.

Mr. [REDACTED] was later released with a disorderly conduct summons under subsection five, which states that a person disrupts vehicular traffic. PO Figueiredo stated that Mr. [REDACTED] was keeping an emergency vehicle from driving down a path. Emergency vehicles and maintenance vehicles are normally permitted to drive on that path in the housing projects. When asked if Mr. [REDACTED] was causing public alarm or inconvenience PO Figueiredo stated, “This has nothing to do with public alarm. That is subsection two. Subsection five is just obstructing vehicular or pedestrian traffic. That is it.”

PO [REDACTED] [REDACTED]

PO [REDACTED] [REDACTED] a [REDACTED], [REDACTED] male police officer with [REDACTED] hair and [REDACTED] eyes was interviewed at the CCRB on May 14, 2008 (encl. D 9-11). PO [REDACTED] described himself as having [REDACTED], but when he appeared for his CCRB interview, [REDACTED].

On January 10, 2008, PO [REDACTED] was in uniform and worked from 3:00 PM until 11:35 PM. PO [REDACTED] was assigned to Satellite Conditions from 3:30 PM until 5:30 PM and was then reassigned to Stationhouse Security. While assigned to Satellite Conditions, PO [REDACTED] was working with PO Figueiredo and was the recorder of a marked RMP. PO [REDACTED] had no memobook entries regarding the incident (encl. D 7-8).

On January 10, 2008 at approximately 4:55 PM, PO Figueiredo and PO [REDACTED] were driving on Hassock Street through the area of the Red Fern Houses, which is a public housing complex, and made a turn onto a pathway near [REDACTED] Hassock Street in Queens. PO [REDACTED] was observing people standing in front of one of the buildings and then heard “a slamming on the hood of the car, which happened to be the defendant.” The first point that PO [REDACTED] saw the defendant, who was identified by the investigation as Mr. [REDACTED] was when Mr. [REDACTED] slammed the police vehicle. PO [REDACTED] explained that there were a lot of people nearby and his attention was at the two people in front of the building and he did not notice Mr. [REDACTED] until he was slamming the police vehicle. PO [REDACTED] did not witness PO Figueiredo rev the engine of the police vehicle prior to Mr. [REDACTED] slamming the vehicle. When asked if the vehicle hit Mr. [REDACTED] PO [REDACTED] stated that “it was more that he hit the vehicle with his hands.” PO [REDACTED] stated that the vehicle was moving at a slow steady pace as Mr. [REDACTED] struck the vehicle. PO [REDACTED] then retracted this statement by saying, “I don’t know. I believe [the vehicle] was stopped.”

Mr. [REDACTED] began to yell and scream. Mr. [REDACTED] was directly in front of the center of the vehicle and he hit the car more than twice by swinging his two hands in a downward motion onto the hood of the police vehicle. Mr. [REDACTED] proceeded to walk to the driver's side of the police vehicle, so PO [REDACTED] and PO Figueiredo exited the vehicle. PO [REDACTED] walked from the passenger's side of the vehicle and around the front of the police vehicle. PO [REDACTED] could not remember what PO Figueiredo was saying to Mr. [REDACTED]. PO [REDACTED] did not hear PO Figueiredo state, "Move the fuck out of the way. Don't you see me? You're acting like you don't fucking see me." PO [REDACTED] did not know if Mr. [REDACTED] had a cigarette in his hand. PO [REDACTED] did not remember if PO Figueiredo said anything to Mr. [REDACTED] about a cigar or cigarette.

The officers decided to place Mr. [REDACTED] under arrest and bring him back to the stationhouse because Mr. [REDACTED] was yelling very loud and was very close to PO Figueiredo. Mr. [REDACTED] resisted the police officers by flailing his arms and pushing both of the police officers, refusing to be handcuffed. Mr. [REDACTED] mother, identified by the investigation as Ms. [REDACTED] approached the officers and tried to stop them from putting Mr. [REDACTED] into the police vehicle, so PO Figueiredo held her back as PO [REDACTED] placed Mr. [REDACTED] into the police vehicle.

Mr. [REDACTED] was then taken to the stationhouse and PO [REDACTED] and PO Figueiredo brought Mr. [REDACTED] in front of the desk officer, who was identified by the investigation as Lt. [REDACTED]. After Mr. [REDACTED] was searched, he was lodged in the holding cells. PO [REDACTED] did not remember if he took Mr. [REDACTED] to the holding cells. PO [REDACTED] denied pushing [REDACTED] into any of the doors at the stationhouse, causing the door to open. Mr. [REDACTED] received a C summons and was released.

Lt. [REDACTED] [REDACTED]

Lt. [REDACTED] [REDACTED] a [REDACTED], [REDACTED] male with [REDACTED] hair and [REDACTED] eyes was interviewed at the CCRB on August 5, 2008 (encl. D 12-13).

On January 10, 2008, Lt. [REDACTED] worked from 3:00 PM until 11:33 PM. Lt. [REDACTED] was assigned as the platoon commander and was working as the desk officer at the 101st Precinct stationhouse. Lt. [REDACTED] was in uniform. Lt. [REDACTED] does not keep a memobook while he is assigned as the desk officer. Lt. [REDACTED] provided a statement consistent with PO Figueiredo's and PO [REDACTED] statements in regards to the interaction with Mr. [REDACTED] at the 101st Precinct stationhouse. Any additions are noted below.

PO [REDACTED] and PO Figueiredo brought Mr. [REDACTED] into the stationhouse. Mr. [REDACTED] was yelling and acting irate. Mr. [REDACTED] arrest was processed and he was taken into the holding pen. The door to the holding cell would be situated next to Lt. [REDACTED] on the right. Lt. [REDACTED] could not remember which police officer brought him into the cell room. The officers that brought Mr. [REDACTED] into the cell room did not push him against the cell room door, causing the door to open. Lt. [REDACTED] explained that the cell room door is visible to him and if the officer pushed Mr. [REDACTED] into the door, he would have witnessed it.

Lt. [REDACTED] went into the cell room to calm Mr. [REDACTED] down. Lt. [REDACTED] told Mr. [REDACTED] that if he calmed down, he would be released with a summons, but if Mr. [REDACTED] persisted, he would be taken to the hospital for a psychiatric evaluation. Mr. [REDACTED] was released with a summons and he requested a CCRB form on the way out of the stationhouse. Lt. [REDACTED] gave Mr. [REDACTED] a CCRB form.

NYPD Documents

SPRINT: The SPRINT indicates that one person was arrested on January 10, 2008 at 4:55 PM in front of [REDACTED] Hassock Street (encl. E 1).

Command Log: The 101st Precinct Command Log notes the arrest of Mr. [REDACTED] at 5:00 PM by PO Figueiredo. Mr. [REDACTED] was released at 5:25 PM with a summons (encl. E 2-5).

Roll Call: The 101st Precinct Tour 3 Roll Call indicates confirms that PO Figueiredo and PO [REDACTED] were working on January 10, 2008. The roll call also confirms that Lt. [REDACTED] was working and assigned as the desk officer (encl. E 6-12).

Disposition of Summons: Mr. [REDACTED] received a summons for disorderly conduct on January 10, 2008 at 4:55 PM. Queens County Courts was contacted and stated that they do not have any information on the summons, stating that the officers must not have filed the summons with the court (encl. C 6).

Police Officer CCRB History

During his 3-year tenure with the NYPD, PO Figueiredo has had no substantiated allegations with the CCRB (encl. A 1). During his 5-year tenure with the NYPD, PO [REDACTED] has had no substantiated allegations with the CCRB (encl. A 2).

Civilian CCRB History

Mr. [REDACTED] has had one previous complaint with the CCRB, case number 200718001, in which he alleged that an officer acted rudely toward him. Case 200718001 has been closed as unsubstantiated (encl. A 3).

Civilian Criminal Conviction History

Mr. [REDACTED] has had no criminal convictions in the City of New York.

Conclusions and Recommendations

Identification of Subject Officers

PO Figueiredo was identified by the name and tax number on the summons that Mr. [REDACTED] received. PO Figueiredo was interviewed and admitted his involvement in the incident, stating that he was the operator of the patrol car when Mr. [REDACTED] was encountered. Mr. [REDACTED] alleged that the driver of the patrol car revved the car engine, threatening to hit him with a vehicle, and then struck him with the vehicle. Mr. [REDACTED] also alleged that the driver spoke discourteously toward him. As a result, Allegations A, B, and C are pleaded against PO Figueiredo. Mr. [REDACTED] alleged that an officer slapped a cigar out of his hand prior to being placed under arrest. Mr. [REDACTED] did not know which police officer slapped the cigar from his hand, but when interviewed, PO Figueiredo admitted to grabbing for the cigar in Mr. [REDACTED] hand. As a result, Allegation D is pleaded against PO Figueiredo. Mr. [REDACTED] alleged that he was pushed against the cell room door by the police officer that was working with PO Figueiredo. PO [REDACTED] was the officer working with PO Figueiredo. PO [REDACTED] fits the physical description of the subject officer that Mr. [REDACTED] provided. As a result, Allegation E is pleaded against PO [REDACTED]

Undisputed Facts

It is undisputed that PO Figueiredo drove his patrol car off of the street onto a walking path in the courtyard of [REDACTED] Hassock Street. It is undisputed that Mr. [REDACTED] was yelling and cursing at the police officers. It is undisputed that Ms. [REDACTED] attempted to interfere with the arrest of Mr. [REDACTED]

Disputed Facts

It is in dispute whether PO Figueiredo revved the patrol car engine and slammed on the brakes as he was driving behind Mr. [REDACTED]. It is in dispute whether PO Figueiredo hit Mr. [REDACTED] with the patrol car. It is in dispute whether PO Figueiredo spoke discourteously toward Mr. [REDACTED]. It is in dispute whether PO [REDACTED] pushed Mr. [REDACTED] against the cell room door.

Allegations Not Pleaded

Mr. [REDACTED] stated that after the cigar was slapped from his hand, officers pushed him against the patrol car and placed him in handcuffs. This force was minimal in placing Mr. [REDACTED] under arrest and is not pleaded. Ms. [REDACTED] stated that she observed PO [REDACTED] push Mr. [REDACTED] into the patrol car as PO Figueiredo held her back. Mr. [REDACTED] and Ms. [REDACTED] both admit that Ms. [REDACTED] was physically attempting to interfere with the arrest of Mr. [REDACTED] and a crowd started to form. The force used to hold Ms. [REDACTED] back and push Mr. [REDACTED] into the vehicle was minimal and was reasonable under the circumstances to quickly apprehend Mr. [REDACTED] and exit the scene. As a result, a separate physical force allegation is not pleaded.

Assessment of Evidence

Mr. [REDACTED] alleged that as he was walking on a pedestrian walking path in the courtyard of [REDACTED] Hassock Street, a police vehicle drove behind him, revved its engine, and then slammed on its brakes to get him to move out of the way. PO Figueiredo confirmed that he was operating the vehicle. PO Figueiredo was driving the vehicle on a path designed as a pedestrian walkway. Regular vehicular traffic is prohibited on the walkway, but PO Figueiredo explained that emergency vehicles and maintenance vehicles are authorized to drive on the path. However, at the time of the incident, PO Figueiredo and PO [REDACTED] were on regular patrol and were not responding to an emergency situation. PO Figueiredo testified that as he was driving approximately five or ten feet behind Mr. [REDACTED] he revved the engine of the patrol car, causing the car to move forward about one foot. PO Figueiredo explained that he did this so Mr. [REDACTED] would hear the engine of the vehicle and move out of the way. PO [REDACTED] was inside the patrol car with PO Figueiredo when this happened, but stated that he did not hear PO Figueiredo rev the engine of the vehicle because his attention was focused elsewhere at the time.

Mr. [REDACTED] alleged that PO Figueiredo struck him with a vehicle. PO Figueiredo denied striking [REDACTED] after revving the vehicle engine, stating that Mr. [REDACTED] jumped out of the way. Mr. [REDACTED] stated that the driver's side front bumper struck his left knee, but the impact did not injure Mr. [REDACTED] or cause him to fall. PO [REDACTED] testified that as PO Figueiredo was driving on the walking path, his attention was focused on people standing in front of one of the nearby buildings. PO [REDACTED] first noticed Mr. [REDACTED] when Mr. [REDACTED] made contact with the patrol car. PO [REDACTED] explained that Mr. [REDACTED] hit the front of the patrol car more than two times by bringing both of his hands downward onto the hood of the vehicle. However, PO [REDACTED] statement is inconclusive. PO [REDACTED] stated that the patrol car was slowly moving forward when Mr. [REDACTED] made contact with the vehicle, but then retracted this statement and maintained that the police vehicle was stopped when Mr. [REDACTED] was in contact with the vehicle. PO [REDACTED] was also not able to make clear how Mr. [REDACTED] came into contact with the police vehicle, stating that his attention was brought to Mr. [REDACTED] as Mr. [REDACTED] made contact with the patrol car. PO Figueiredo never mentioned that Mr. [REDACTED] struck the hood of the police vehicle. Mr. [REDACTED] admitted to cursing at the police officers because he was angry, but did not mention striking the patrol car with his hands. As a reaction out of anger at having almost been or just been struck with the vehicle, it is plausible that Mr. [REDACTED] did strike the hood of the patrol car, and omitted this from his CCRB statement to avoid sounding belligerent. PO Figueiredo would also have a motivation to conceal this fact, given that it could provide corroboration to the allegation that he struck Mr. [REDACTED] with a vehicle. The investigation therefore credits that Mr. [REDACTED] did come in contact with the patrol car, but there is not sufficient information to determine how that contact was initiated. It is possible that PO Figueiredo

struck Mr. [REDACTED] with the patrol car and it is equally possible that Mr. [REDACTED] out of anger, purposefully struck the hood of the patrol car.

Mr. [REDACTED] alleged that PO Figueiredo spoke discourteously toward him, stating “Move the fuck out of the way. You are acting like you don’t fucking see me.” PO Figueiredo testified that he asked Mr. [REDACTED] “Didn’t you see me trying to get through?” and “Why don’t you move out of the way?” The comments that PO Figueiredo admitted to making toward Mr. [REDACTED] are similar to what Mr. [REDACTED] alleged, giving some credence to Mr. [REDACTED] allegation. Furthermore, Mr. [REDACTED] did admit to cursing at PO Figueiredo, explaining that he was angry because the actions of the officers were unsafe and ignorant, so it is plausible that there was an angry verbal exchange between PO Figueiredo and Mr. [REDACTED]. However, there is no testimony to support Mr. [REDACTED] allegation. PO [REDACTED] did not hear PO Figueiredo make these discourteous statement to Mr. [REDACTED] and Ms. [REDACTED] did not hear the officers curse at Mr. [REDACTED] when she was present. Without any corroborating testimony, there is not enough evidence to determine if PO Figueiredo spoke discourteously toward Mr. [REDACTED].

Mr. [REDACTED] alleged that PO Figueiredo slapped a cigar that he was smoking out of his hand. PO Figueiredo testified that Mr. [REDACTED] was yelling “I will fuck you up” and was acting irate. PO Figueiredo told Mr. [REDACTED] several times to put the cigar down, but Mr. [REDACTED] refused and told PO Figueiredo, “I will fuck you up. You are nothing without that shield.” PO Figueiredo stated that he then tried to grab the cigar from Mr. [REDACTED] hand, causing it to fall to the ground. PO Figueiredo could not remember exactly how he tried to grab the cigar from Mr. [REDACTED] hand, but stated that he may have tried to slap Mr. [REDACTED] to get the cigar from his hand. The investigation credits that there was likely an angry exchange between Mr. [REDACTED] and PO Figueiredo, at which time PO Figueiredo and PO [REDACTED] decided to place Mr. [REDACTED] under arrest for disorderly conduct. Mr. [REDACTED] was holding a lit cigar, which could have injured the police officers as they placed him under arrest. Grabbing Mr. [REDACTED] arm or attempting to grab the cigar could have caused burns to the police officers, so it is likely that PO Figueiredo slapped the cigar from Mr. [REDACTED] hand. The force PO Figueiredo used was minimal and was not intended to injure Mr. [REDACTED] but to disarm him of a possible weapon.

Mr. [REDACTED] alleged that PO [REDACTED] pushed him against the cell room door in the 101st Precinct stationhouse. PO [REDACTED] could not remember if he was the officer to bring Mr. [REDACTED] into the cell room. PO Figueiredo stated that it could have been himself, PO [REDACTED] or both of them that brought Mr. [REDACTED] into the cell room. PO [REDACTED] denied pushing Mr. [REDACTED] into the cell room door. PO Figueiredo denied witnessing PO [REDACTED] push Mr. [REDACTED] into the cell room door. Lt. [REDACTED] explained that he did not know who brought Mr. [REDACTED] into the cell room, but stated that the cell room door was situated near where he was located. Lt. [REDACTED] stated that he did not see any officer push Mr. [REDACTED] against the cell room door. Lt. [REDACTED] testified that if an officer pushed Mr. [REDACTED] into the cell room door, he would have witnessed it because he was standing at the desk, which is located near the cell room entrance, when Mr. [REDACTED] was taken into the cell room. Even though it is possible that PO [REDACTED] pushed Mr. [REDACTED] into the cell room door, especially since Mr. [REDACTED] admitted that he continued to yell and accuse the officers of kidnapping him while he was at the stationhouse, there is no evidence to support this allegation.

Allegation A: PO Andre Figueiredo threatened [REDACTED] [REDACTED] with the use of force.

Mr. [REDACTED] alleged that PO Figueiredo threatened him with the use of force by revving the engine of the police vehicle and then slamming on the brakes while Mr. [REDACTED] was in the path of the vehicle. PO Figueiredo explained that he did this in order to get Mr. [REDACTED] to move out of the way of the police vehicle. PO Figueiredo’s explanation for his actions is flawed. The officers were not responding to a call or an emergency situation. PO Figueiredo and PO [REDACTED] were on routine patrol, operating a vehicle on a path designed as a pedestrian walkway. Given the circumstances, it is reasonable that Mr. [REDACTED] would have the right-of-way. If the officers wanted to get around Mr. [REDACTED] there were several more reasonable alternatives PO Figueiredo could have utilized to relay this information to Mr. [REDACTED]. PO Figueiredo was operating a

marked patrol car which is equipped with a car horn, a siren, and a loud speaker system. If a horn or a siren was not effective in getting Mr. [REDACTED] to move from the path, the officers could have exited the vehicle and approached him to investigate why he was refusing to move from the path. Patrol Guide Procedure 203-11 states that, "Only that amount of force necessary to overcome resistance will be used to effect an arrest or take a mentally ill or emotionally disturbed person into custody" (encl. 1-2). Here, Mr. [REDACTED] refused to move out of the path of a police vehicle. Mr. [REDACTED] was uncooperative, but he at no time did he resist arrest prior to the officers exiting the police vehicle. Given the circumstances, the force threatened by PO Figueiredo could not have been used as a law enforcement tool to effect an arrest. PO Figueiredo's actions in revving the engine of the vehicle were reckless and intended only to intimidate Mr. [REDACTED]. PO Figueiredo's actions did not adhere to NYPD Departmental Guidelines and could have caused serious physical injury. The investigation has therefore determined that PO Figueiredo's actions were wrongful and recommends that Allegation A be **substantiated**.

Allegation B: PO Andre Figueiredo struck [REDACTED] [REDACTED] with a vehicle.

Mr. [REDACTED] alleged that PO Figueiredo struck him with the police vehicle that he was driving. The investigation has determined that Mr. [REDACTED] did come into physical contact with the police vehicle. However, it is unclear if PO Figueiredo struck Mr. [REDACTED] with the police vehicle or if Mr. [REDACTED] purposefully hit the police vehicle with his hands out of anger. It is therefore recommended that Allegation B be **unsubstantiated**.

Allegation C: PO Andre Figueiredo spoke obscenely to [REDACTED] [REDACTED]

Mr. [REDACTED] alleged that PO Figueiredo told him, "Move the fuck out of the way. You are acting like you don't fucking see me." Even though it is possible that PO Figueiredo spoke discourteously toward Mr. [REDACTED] there is no testimony to support Mr. [REDACTED] allegation. As a result, it is recommended that Allegation C be **unsubstantiated**.

Allegation D: PO Andre Figueiredo used physical force against [REDACTED] [REDACTED]

Mr. [REDACTED] alleged that PO Figueiredo slapped a cigar out of his hand. The investigation credits that PO Figueiredo slapped the cigar from Mr. [REDACTED] hand, so the issue here is whether slapping a cigar from Mr. [REDACTED] hand constitutes misconduct. Mr. [REDACTED] was holding a lit cigar, which could have burned the police officers as they placed Mr. [REDACTED] under arrest, so PO Figueiredo slapped the cigar from Mr. [REDACTED] hand. The force PO Figueiredo used was minimal and was not intended to injure Mr. [REDACTED] but to disarm him of a possible weapon. Therefore, the investigation has concluded that slapping the lit cigar from Mr. [REDACTED] hand was justified and it is recommended that Allegation D be **exonerated**.

Allegation E: PO [REDACTED] [REDACTED] struck [REDACTED] [REDACTED] against a door.

Mr. [REDACTED] alleged that PO [REDACTED] pushed him against the cell room door in the 101st Precinct stationhouse. There is not evidence or witness testimony to support Mr. [REDACTED] allegation. Therefore, it is recommended that Allegation E be **unsubstantiated**.

Investigator:
Inv. Eric Black

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: